

### **REMARKS**

This paper is responsive to the Office Action of December 7, 2006.  
Reexamination and reconsideration of the application are respectfully requested.

#### **The Office Action**

**Claims 3–5, 7, and 9–16** stand allowed.

**Claims 1, 2 , and 6** stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 5–7, 10, and 11 of co-pending US Appl. No. 11/088,438.

#### **Information Disclosure Statement**

Applicant notes the Information Disclosure Statement (IDS) filed with the application on February 17, 2005 has not yet been acknowledged by the Examiner. Applicant requests the Examiner consider the references cited in the IDS filed February 17, 2005.

#### **Terminal Disclaimer**

Applicant is filing a "Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending 'Reference' Application" (PTO/SB/25) (the Terminal Disclaimer) along with this Response. The Terminal Disclaimer overcomes the provisional rejection of **claims 1, 2, and 6**.

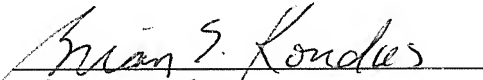
**CONCLUSION**

For the foregoing reasons, it is submitted that the claims of the present application are in condition for allowance. Early notice thereof is respectfully requested.

It is believed that there is no fee associated with the filing and consideration of this Response. Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all such fees, and/or credit any overpayments, incurred as a result of entering this Response to Deposit Account No. 03-0172.

Respectfully submitted,

CALFEE, HALTER & GRISWOLD LLP



Brian E. Kondas  
Reg. No. 40,685  
Customer No. 24024  
(216) 622-8308